

REMARKS

Applicants have amended the claims in response to the Office Action and to further define the claims.

Applicants have amended claim 1 to recite certain types of C-rings, i.e., those that have an unsubstituted carbon atom adjacent to the carbonyl of ring B that is explicitly indicated in formula I. As amended, Ring C may not have a -N(H)- moiety adjacent to that carbonyl. Support for this amendment may be found throughout the specification as originally filed (e.g., page 13, lines 19-25).

Applicants have amended claims 2 and 3 to be directed to 5- and 6-membered C rings, respectively. Support for this amendment may be found throughout the specification as originally filed.

Applicants have amended claim 6 to correct an inadvertent typographical error.

Applicants have amended claim 9 to be directed to the treatment of certain diseases.

None of these amendments adds new matter.

The Rejections35 U.S.C. § 112, First Paragraph

Claims 7-10 and 13 stand rejected under 35 U.S.C. § 112, first paragraph as lacking enablement. The Examiner contends that the description would not be sufficient for a skilled practitioner to use the invention. According to the Examiner, applicants have not shown a "nexus between each disease claimed ... and caspase activity." Furthermore, the Examiner contends that the documents provided by applicants in their last response do not overcome the outstanding enablement rejections. The Examiner's more specific contention is that these documents indicate further studies would be needed to use applicants' compounds in the claimed methods. Applicants traverse.

Claims 7-10 and 13 are fully enabled by the evidence of record. A nexus between caspase inhibition and the diseases recited in claims 7-10 and 13 has been established. Applicants have shown that caspase activation is associated with diseases and that caspase inhibition is associated with alleviation of diseases. This has been confirmed in publications after applicants' filing date. In view of the teachings of applicants' specification and the knowledge in the art, the skilled artisan would be able to practice the claimed methods without undue experimentation and would expect the claimed methods to work.

For all of the above reasons, applicants request that the Examiner withdraw these section 112, first paragraph rejections.

35 U.S.C. § 112, Second Paragraph

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph as failing to comply with the written description requirement. The Examiner contends that the proviso introduced by applicants in their last Reply (dated April 18, 2003) was not supported by the specification as originally filed. Applicants traverse.

Applicants disagree that the proviso is not support by the specification as originally filed. However, to facilitate prosecution, applicants have amended claim 1 to recite an amended proviso thus obviating the Examiner's rejections.

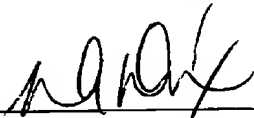
35 U.S.C. § 103

Claims 1-10 and 13 stand rejected as being obvious in view of Bemis et al. WO 95/35308. The Examiner has stated that he will maintain these rejections until the issue with the claim 1 proviso has been resolved. Applicants submit that the issue with the proviso has been resolved in view of the amendments presented herein. Accordingly, applicants request that the Examiner withdraw these § 103 rejections.

Conclusion

In view of the above, applicants request that the Examiner enter the above amendments, consider the foregoing remarks, and allow the pending claims to issue.

Respectfully submitted,



Lisa A. Dixon (Reg. No. 40,995)
Attorney for Applicants

VERTEX PHARMACEUTICALS INCORPORATED
130 Waverly Street
Cambridge, Massachusetts 02139
Telephone: (617)444-6396
Facsimile: (617)444-6483